

TOWN OF HARPSWELL
PROPERTY TAX ASSISTANCE ORDINANCE
Enacted March 12, 2011 Art. 19

Section 1. Purpose

The purpose of this Ordinance is to establish a program pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes to provide property tax assistance to qualifying persons who reside in the Town of Harpswell. Under this program, the Town of Harpswell will provide supplemental cash refund payments to those individuals who qualify as Harpswell resident beneficiaries of the State of Maine Residents Property Tax Program (State Circuit Breaker Program) pursuant to Chapter 907 of Title 36 of the Maine Revised Statutes and meet the criteria established by this Ordinance.

Section 2. Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person and that person's dependents as a home.

Property Tax Assistance Program: The program established by the Town of Harpswell under this Ordinance. Also referred to as the "Program."

Qualifying applicant: A qualifying applicant is a person who is determined, after review of a complete application under Section 4 of this Ordinance, to be eligible for a refund payment under the terms of this Ordinance.

Town Administrator: The Town Administrator or his/her designee.

Section 3. Criteria for Participation

In order to participate in the Property Tax Assistance Program, an applicant must demonstrate all of the following:

- a. That the applicant has a homestead in the Town of Harpswell at the time of application and for the entire two years prior to the date of application.
- b. That the applicant has been awarded a refund under the provisions of Chapter 907 of Title 36 of the Maine Revised Statutes for the applicable year.
- c. That the applicant has paid property taxes in full for the year for which the refund is requested.

Section 4. Application and Payment Procedures

Persons seeking to participate in the Property Tax Assistance Program shall submit a written application to the Town Administrator no later than October 15 of each year. Applications are required every year to participate in the Program. The Town Administrator shall provide an application form for the Program, which shall include, at a minimum, the applicant's name, homestead address and contact information. Attached to all applications shall be proof and dollar amount (copy of check) of his/her State Refund under Chapter 907 of Title 36 of the Maine Revised Statutes (State Circuit Breaker Program). Based on the timing of refunds under the State Circuit Breaker Program, an application under this Program will typically relate to taxes assessed two years prior (*e.g.*, a Program application filed in 2011 will relate to municipal property taxes assessed on April 1, 2009 (Fiscal Year 2009)). The Town Administrator shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the Program. The Town Administrator shall notify an applicant if an application is determined to be incomplete or inaccurate. The Town Administrator's decision on eligibility to participate in the Program shall be final.

Section 5. Determination of Eligibility and Amount of Eligibility

If the Town Administrator determines that the applicant is eligible to participate in the Program, he/she shall determine the total amount of such eligibility. Eligibility shall be the lesser of the following amounts:

- a. 50% of the refund awarded by the State under Chapter 907 of Title 36 of the Maine Revised Statutes (State Circuit Breaker Program); or
- b. A pro rata share of available monies in the Program Fund based on the amount of one's State Refund under Chapter 907 of Title 36 of the Maine Revised Statutes (State Circuit Breaker Program); or
- c. \$800.00.

The Town Administrator shall report to the Board of Selectmen each year the projected payments and number of eligible applicants requesting assistance from the Program Fund.

Section 6. Program Fund – Limitations upon Payments

Payments under this Ordinance shall be conditioned upon the existence of sufficient monies in the Program Fund the year in which participation is sought. If there are not sufficient monies in the Program Fund to pay all qualifying applicants in full under this Ordinance, payments shall be limited to the amounts available in the Program Fund on a pro rata basis to each eligible participant in the Program based on the amount of one's State Refund under Chapter 907 of Title 36 of the Maine Revised Statutes (State Circuit

Breaker Program). In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

Section 7. Creation of the Program Fund

The Program Fund from which payments shall be made under the terms of this Ordinance shall be created as follows:

As funds are available, the Board of Selectmen shall propose to the annual town meeting an appropriation of monies from the general fund or other sources to support this Program. Any surplus monies available after all payments have been made shall remain in the dedicated reserve account hereby established for this Program and shall not lapse into the Town's undesignated fund balance.

Section 8. Timing of Payments

A person who qualifies for payment under the Program shall be mailed a check for the full amount (or pro-rated amount if inadequate funds are available) no later than December 1 for the year in which participation is sought.

Section 9. Limitations upon Payments

Only one qualifying applicant per homestead shall be entitled to payment under the Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death, but the right may be exercised on behalf of the applicant by the applicant's legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Town Administrator shall be disbursed to another member of the household as determined by the Town Administrator. If the applicant was the only member of a household, then no payment shall be made under this Ordinance.